



TO: Chief Elected Officials
WIB Chairs
WIB Directors
Fiscal Agents

FROM: Alan D. Degner
Commissioner

DATE: October 22, 2004

SUBJ: DWD Policy 2004-12
Criteria for Local Plan Approval and Plan Modification Circumstances

RE: Workforce Investment Act

Joseph E. Kernan, Governor
Alan D. Degner, Commissioner

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Purpose

To provide a State policy on:

- Criteria for approval of the local workforce investment plan and plan modification, and
- Circumstances when plan modification is required pursuant to the Workforce Investment Act (WIA).

Rescission

DWD Communication 98-49: Criteria for Local Plan Approval and Plan Modification Circumstances, dated March 30, 1999.

Content

The Department of Workforce Development (DWD) provides the following guidance on local plan and local plan modification approval.

Federal Requirements for Local Plans

Section 118(a) of WIA states that "Each local board shall develop and submit to the Governor a comprehensive 5-year local plan...in partnership with the appropriate chief elected official. The plan shall be consistent with the State Plan."

Section 118(b) of WIA and 20 CFR 661.350(a) identifies what the local plan shall include.

Federal Requirements for Local Plan Approval

Pursuant to Section 118(d) of WIA, "A local plan submitted to the Governor shall be considered to be approved by the Governor at the end of the 90-day period beginning on the day the Governor receives the plan, unless the Governor makes a written determination during the 90-day period that:

- (1) Deficiencies in activities carried out under this subtitle have been identified, through audits conducted under section 184 or otherwise, and the local area has not made acceptable progress in implementing corrective measures to address the deficiencies; or
- (2) The plan does not comply with this title."

20 CFR 661.350(b) of the Final WIA Regulations clarifies Section 118(d) of WIA by stating: "The Governor must review completed plans and must approve all such plans within ninety days of their submission, unless the governor determines in writing that:

- (1) There are deficiencies identified in local workforce investment activities carried out under this subtitle that have not been sufficiently addressed; or
- (2) The plan does not comply with Title I of WIA and the WIA regulations, including the required consultations and public provisions (Section 118(a)(7) of WIA) and the nondiscrimination requirements of 29 CFR Part 37."

State Requirements for Local Plan Approval

The Department of Workforce Development (DWD) will review the following criteria to determine if the legal requirements have been met for approval of the local plan:

- (1) WIA Title I deficiencies identified in local workforce investment activities are sufficiently addressed.*

DWD will consider the following factors in determining the adequacy of corrective measures:

- Corrective measures as defined in audit and/or monitoring resolution determinations, reports, and responses issued since the last approved local plan have been implemented.
- Payment arrangements and/or repayment of any/all disallowed costs resulting from the local council's resolution process and/or other final procedures have been made.
- Payment arrangements with any/all subrecipients that have been assessed disallowed costs as a result of the resolution process and/or final procedure have been collected and/or are in the process of being collected.
- Corrective measures to meet performance standards missed in the previous program year(s) as reflected by improved performance measured in quarterly performance data have been implemented.

- (2) The local plan complies with Title I of WIA and the regulations, including the required consultations, public comment provisions and the nondiscrimination requirements of 29 CFR Part 37.*

Compliance includes:

- Requested clarifications to the local plan were addressed in a timely manner and approved.
- Local plan was in compliance with all applicable federal and state laws, regulations, and policies.
- All the appropriate individuals/organizations were consulted in developing the local plan or modification and public comment was solicited.

Federal Local Plan Modification Criteria

20 CFR 661.355 for the Final Federal regulations at 20 CFR 660.380 states:

"The Governor must establish procedures governing the modification of local plans. Situations in which modifications may be required by the Governor include significant changes in local economic conditions, changes in the financing available to support WIA title I and partner-provided WIA services, or a need to revise strategies to meet performance goals."

State Circumstances for Local Plan Modification

The circumstances that a WIA local workforce investment plan modification is required are:

- Significant changes in local economic conditions,
- Changes in the financing available to support WIA Title I and partner-provided WIA services,
- Need to revise strategies to meet performance goals, or
- Spending targets and/or enrollment targets not met.

The WIB and chief elected official may determine additional circumstances for modifying the local plan. Such circumstances must be defined in local policy.

State Requirements for Local Plan Modification Approval

The Department of Workforce Development (DWD) will review the criteria under the **State Requirements for Local Plan Approval** in determining if the legal requirements have been met for approval of the local plan modification.

Local Plans and Local Plan Modifications should be mailed to William R. Miller, Director, WIA Administration at DWD, 10 North Senate Ave., Indianapolis IN 46204.

Beginning Date

October 18, 2004

Ending Date

October 15, 2006

Action

Local WIA Administrators will distribute this policy to appropriate staff.

Ownership

WIA Administration.

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